

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO (CANTON)**

IN RE:

KIMBERLY ANNE BENSON

DEBTOR

CASE NO.20-61209

CHAPTER 13

JUDGE RUSS KENDIG

**MOTION TO MODIFY CHAPTER 13
PLAN**

Now comes Debtor, by and through counsel, and hereby petitions the Court to allow her to modify her Chapter 13 plan as follows.

1. Debtor lives

- a. with her 18-year-old son who is not working and being treated medically beyond typical expense;
- b. with her 76-year-old mother who receives a minimal Social Security benefit to pay for repairs to her motor vehicle, rental and vehicle insurance, gasoline, out-of-pocket medical, health insurance supplement, vitamin/supplements, prescriptions.
- c. with her 34-year-old daughter who is critically ill, has not worked in over five years, and shall be applying for Social Security benefits (not eligible for Social Security Disability benefits). Her daughter does not have a motor vehicle and debtor drives her. Debtor will help her daughter obtain all governmental assistance for which she qualifies.
- d. with her 10- and 13-year-old grandsons of her daughter.

2. In addition to the increase in the household size of the debtor, she is sustaining household maintenance and vehicle maintenance which are extraordinary.

- a. She is receiving quotes for her septic system due to the broken tiles in her flooding front yard – complete with trencher and backhoe.
- b. The drain tile underneath the driveway also has broken tiles. Eventually, you cannot drive into her driveway or use her garage.
- c. To fix the air conditioning in her 2014 Nissan Ultima, she has been advised that the entire front end of her vehicle must be disassembled. Due to the health of her daughter, the daughter must have an air-conditioned vehicle.

3. Of the \$69,787 principal due according to NDC, \$63,601 is for student loans. It is neither mandatory nor imperative that the student loans be paid in full during the pendency of the bankruptcy plan. Thus, Debtor requests that the student loans filed in Proofs of Claim 1, 6, 7, 8 and 9 be paid pro rata after the priority claims and after the secured Capital One Auto Finance Claim 4 (current and arrearage claims).
4. Debtor is filing an amended schedule J reflecting her new household expenses. The new plan payment shall be \$582.03 per month effective immediately upon the date of this Modification.
5. The Plan arrearage, if any, shall be forgiven.
6. All other provisions of the Chapter 13 Plan shall remain unchanged.

WHEREFORE, Debtor requests that her plan be modified as outlined above for the duration of her plan.

/s/Kimberly Anne Benson
Kimberly Anne Benson
Debtor

Respectfully submitted,

/s/ Deborah L Mack OSC #0067347
Attorney for Debtor
53 E Main St, Lexington, Ohio 44904
419.884.4600
800.410.3620 facsimile
Debbie@OhioFinancial.Lawyer

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Modify Plan and Notice was sent by regular US Mail, postage prepaid, this 18th day of July 18, 2022, to the following individuals:

Kimberly Anne Benson
2231 Lake Galion Rd W
Galion, Ohio 44833

All creditors on the matrix attached hereto and made a part hereof.

by electronic transmission to the following who are listed on the Court's Electronic Mail Notice List:

- Dynele L Schinker-Kuharich DLSK@Chapter13Canton.com
- United States Trustee (Registered address)@usdoj.gov
- Carla O. Andres candres@gklaw.com
- Todd Fichtenberg todd@taflegal.com

/s/Deborah L Mack

Label Matrix for local noticing
0647-6
Case 20-61209-rk
Northern District of Ohio
Canton
Fri Aug 7 15:39:24 EDT 2020

(p)ASCENDIUM EDUCATION SOLUTIONS INC
2501 INTERNATIONAL LANE
MADISON WI 53704-3180

Comenitybank/Meijer
Attn: Bankruptcy
Po Box 182273
Columbus, OH 43218-2273

Great Lakes Higher Education Corporation
Attn: Bankruptcy
Po Box 7860
Madison, WI 53707-7860

(p)MEADE & ASSOCIATES INC
ATTN BANKRUPTCY DEPARTMENT
737 ENTERPRISE DRIVE
LEWIS CENTER OH 43035-9438

OhioHealth
335 Glessner Ave
Mansfield, OH 44903-2269

Dynele L Schinker-Kuharich
Office of the Chapter 13 Trustee
200 Market Avenue North, Ste. LL30
Canton, OH 44702-1435

Capital One Auto Finance, a division of Capi
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

Capital One Auto Finance
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130-0285

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Huntington
Attn: Bankruptcy CAS056
3 Cascade Plaza
Akron, OH 44308-1124

Midland Funding
2365 Northside Dr Ste 300
San Diego, CA 92108-2709

The Huntington National Bank
P O Box 89424
Cleveland OH 44101-6424

Kimberly Anne Benson
2231 Lake Galion Road West
Galion, OH 44833-9730

United States Bankruptcy Court
Ralph Regula U.S. Courthouse
401 McKinley Avenue SW
Canton, OH 44702-1745

City of Galion
Attn: Dept of Taxation
115 Harding Way East
Galion, OH 44833-1902

Great Lakes Educational Loan Svc
PO Box 7860
Madison, WI 53707-7860

Kohls/Capital One
Attn: Credit Administrator
Po Box 3043
Milwaukee, WI 53201-3043

Navient
Attn: Bankruptcy
Po Box 9640
Wilkes-Barre, PA 18773-9640

Deborah L. Mack
53 E Main Street
Lexington, OH 44904-1224

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Ascendum Education Solutions, Inc
PO Box 8961
Madison WI 53708-8961

Discover Financial
Attn: Bankruptcy Department
Po Box 15316
Wilmington, DE 19850

Meade & Associates
Attn: Bankruptcy
737 Enterprise Dr
Lewis Center, OH 43035

End of Label Matrix
Mailable recipients 19
Bypassed recipients 0
Total 19